

FACTSHEET

TITLE: **ANNEXATION NO. 03004**, requested by Engineering Design Consultants on behalf of Caseyco, to annex approximately 13.3 acres, more or less, generally located northeast of the intersection of Ashbrook Drive and Highway 2 (adjacent to the west of the former Pine Lake S.I.D.).

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement

ASSOCIATED REQUESTS: Annexation Agreement (04R-56); Change of Zone No. 3387 (04-53); Special Permit No. 1992, Edenton Woods Community Unit Plan (04R-57) and Preliminary Plat No. 02023, Edenton Woods (04R-58).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/09/03
Administrative Action: 07/09/03

RECOMMENDATION: Approval, subject to an Annexation Agreement (7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent).

FINDINGS OF FACT:

1. This annexation request and the associated change of zone, community unit plan and preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation of approval, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.4-6, concluding that, with modifications to the community unit plan and preliminary plat, the development proposal complies with the Zoning Ordinance, the Land Subdivision Ordinance and the Comprehensive Plan.
3. These applications were heard by the Planning Commission on July 9, 2003. The applicant's testimony is found on p.7-8, with requests for amendments to the conditions of approval on the associated preliminary plat.
4. There was no testimony in opposition.
5. On July 9, 2003, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval, subject to an Annexation Agreement, which has been agreed upon and completed.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 15, 2004

REVIEWED BY: _____

DATE: March 15, 2004

REFERENCE NUMBER: FS\CC\2004\ANNEX.03004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 9, 2003 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

****As Revised by Planning Commission: 7/09/03****

P.A.S.: **-Annexation #03004** - To annex approximately 13.3. acres.
-Change of Zone #3387 - From AGR to R-3
-Special Permit #1992 - For a Community Unit Plan (CUP) for attached and detached single-family residences.
-Preliminary Plat #02023 Edenton Woods - Creates 46 lots for residential development, and five outlots.

PROPOSAL: To develop an approximately 13 acre parcel to accommodate 46 lots for single-family and attached single-family residential units.

LOCATION: Northeast of the intersection of Ashbrook Drive and Highway 2 (adjacent to the west of Pine Lake S.I.D.)

WAIVER REQUESTS:

1. Minimum Lot Area.
2. Turn-arounds for private roadways.
3. Lot lines not radial to roadways.
4. Double-frontage lots.
5. Intersection approach grades.
6. Sidewalks.
7. Block length.

LAND AREA: Approximately 13.3 acres.

CONCLUSION: With modifications, these requests comply with the Zoning and Land Subdivision Ordinances, and the Comprehensive Plan.

RECOMMENDATION:**Annexation #03004**

Change of Zone #3387

Special Permit #1992

Waiver:

Minimum Lot Area

Preliminary Plat #02023

Waivers:

Turn-arounds for private roadways

Lot lines not radial to roadways

Double-frontage lots

Intersection approach grades

Sidewalks

Block length

Conditional Approval

Approval

Conditional Approval

Approval

Conditional Approval

Denial

Approval

Approval

Approval

Approval

Approval

GENERAL INFORMATION:**LEGAL DESCRIPTION:** See attached.**EXISTING ZONING:** AGR Agricultural Residential**EXISTING LAND USE:** Undeveloped**SURROUNDING LAND USE AND ZONING:**

North:	Residential	R-1, P
South:	Undeveloped	AGR
East:	Residential	AGR
West:	Church	AGR

COMPREHENSIVE PLAN SPECIFICATIONS:**Page F25** - This site is designated for urban residential land uses in the Land Use Plan.**Page F27** - Urban Growth Tiers - This site is within the City's Future Service Limit.**Page F156** - Subarea Planning - Southeast Lincoln/Highway 2 Subarea Plan.**Southeast Lincoln/Highway 2 Subarea Plan:****Figure 2** - Designates urban residential uses for this site.

UTILITIES: All utilities are available to the site. The trunk sewer line constructed to serve this development is also being extended to connect the Pine Lake S.I.D. and provide that development with sanitary sewer service.

HISTORY:

May 30, 2003, the preliminary plat was re-submitted in response to the Director's Letter.

November 13, 2002, the Director's Letter review was sent to the applicant.

October 15, 2002, the preliminary plat was originally submitted.

March 26, 2001, the Southeast Lincoln/Highway 2 Subarea Plan was approved by City Council.

TRAFFIC ANALYSIS: The Subarea Plan shows Ashbrook Drive extended to Highway 2. A portion of the extension will be constructed with this plat, and the City is facilitating the design of the remainder of the extension to provide the connection to Highway 2. A street connection to Pine Lake S.I.D. via Northshore Drive is also shown. Ashbrook Drive and Northshore Drive within the boundary of this plat are public streets; Bo Creek Bay and Bo Creek Court are shown as private roadways.

ENVIRONMENTAL CONCERNS: This development is downstream of the Pine Lake dam structure. A dam breach analysis was required to be completed to ensure this development was not creating lots that may be threatened by failure of the dam. Also, preservation of the existing trees and the drainage channel through the site was a concern.

ANALYSIS:

1. This area is contiguous to the city and the proposed annexation is in conformance with the Comprehensive Plan. It is within the Future Service Limit, and the developer's financial responsibility regarding off-site infrastructure improvements will be addressed in the annexation agreement.
2. The special permit for a community unit plan is consistent with the subarea plan that designates urban residential uses for this site, shows the street connection to Northshore Drive, and provides for the eventual extension of Ashbrook Drive to Highway 2.
3. The waiver to minimum lot area will allow for some of the lots to be smaller than the 5,000 square foot minimum required in the R-3 district when associated with a CUP. Generally, these lots will be used for attached single-family residences. The remaining lots are for detached residences, and the majority of them exceed 6,000 square feet in area. Providing a mix of housing types is encouraged, and this waiver will facilitate that and should be granted. The average lot area including open space exceeds the minimum lot area of the R-3 district.
4. A waiver to turn-arounds was requested, and pertains to Bo Creek Bay and Bo Creek Court. However, the Design Standards do not include a specific requirement that turn-arounds be provided for private roadways so a waiver is not required. But recognizing the need for all

vehicles including emergency responders to be able to turn around at the end of a street without either backing-up or pulling into a driveway, a minimum 30' radius turn-around is recommended. The plat shows hammerhead turn-arounds at the ends of both streets, but should be revised to show 30' radius cul-de-sacs.

5. A waiver to lot lines not radial to streets is requested to facilitate the construction of attached residences. This affects only Lots 15 and 16, Block 1 and is appropriate.
5. The proposed layout preserves the existing drainage through the site and backs homes onto it. This means the street serving Lots 11-16, Block 2 is placed on the east side of the lots. The result is that the adjacent lots in Pine Lake S.I.D. become double-frontage lots. Given the choice of having the street along the drainage or as shown, the proposed location is more appropriate. However, as the back yard of the existing residences in Pine Lake S.I.D. will abut this street, it's appropriate that it be screened to mitigate the impact of automobile traffic. The position of the private roadway would allow the abutting lots in Pine Lake to subdivide and use the private roadway as access to the new lots.
6. The connection to Northshore Drive is shown, and extends to Ashbrook Drive. Constructing this connection means utilizing existing grades that are established within Pine Lake, and they do not allow for compliance with current Design Standards without significant fill on lots within the S.I.D. A waiver to Design Standards has been requested, and Public Works is recommending approval.
7. A waiver to block length is requested, and applies to Block 1. The property adjacent to the west is owned by the Berean Church, and staff has been informed by the Church that there are future plans to expand the church. This expansion will be accompanied by an expanded parking lot that will eventually extend up to the west boundary of this plat. The likelihood of any future street extending across the Church property is remote, so the need to provide a street connection to the west through this development is eliminated. Likewise for a pedestrian connection through Block 1 to the Berean Church property, as there is no need to provide a pedestrian connection to a private parking lot. As a result, waivers to both block length and pedestrian connection are appropriate.
8. A request to waive the sidewalk along the east side of the private roadway adjacent to Pine Lake S.I.D. is also requested - a sidewalk along the west side is being provided. If the adjacent lots in the S.I.D. were to be subdivided, the sidewalk should be provided. However, given the location of the residences on the lots in Pine Lake, it is unlikely those lots can be subdivided and homes would face upon the private roadways. Additionally, there are not sidewalks within Pine Lake S.I.D., so there will be no sidewalk connection east of the intersection of Northshore Drive and the private roadway at this time. However, in the event sidewalks are constructed in the future, the sidewalks shown along Northshore Drive within this plat must be extended to the east boundary of the plat.
9. This development is located adjacent to Pine Lake S.I.D., and west of the Pine Lake dam structure. It is important that this development take into account the existence of the dam, and be designed to account for a failure of that structure. As a result, the developer was required

to perform a breach analysis to simulate a dam failure to ensure that this development would not be creating lots that are potentially in harms way, and that it would not intensify flooding downstream during such an event.

During the review of this project, several issues relating to drainage and the breach analysis were raised that must be addressed. The attached reviews from Public Works and Utilities and Watershed Management note these deficiencies. These items must be addressed to the satisfaction of Public Works and Utilities prior to these applications being forwarded to the City Council. This will include the plat being revised to show the dam spillway, no portion of any lot within the 100-year floodplain, and the minimum opening elevations for all lots adjacent to any drainage area. The lot layout may need to be further revised depending upon how the noted deficiencies are addressed.

CONDITIONS:

Annexation #03004

1. The developer will enter into an annexation agreement with the City.

Prepared by:

Brian Will, AICP
Planner

June 26, 2003

APPLICANT OWNER:

Caseyco
c/o Pat Mooberry
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**ANNEXATION NO. 03004;
CHANGE OF ZONE NO. 3387;
SPECIAL PERMIT NO. 1992, EDENTON WOODS
COMMUNITY UNIT PLAN;
and
PRELIMINARY PLAT NO. 02023, EDENTON WOODS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 9, 2003

Members present: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward; Schwinn absent.

Staff recommendation: Approval of the annexation, subject to an annexation agreement; approval of the change of zone; and conditional approval of the community unit plan and preliminary plat.

Ex Parte Communications: None.

Proponents

1. Mark Hunzeker appeared on behalf of **Caseyco**, the developer. This project had its origins with some sewer line extensions several years ago up the Beal Slough watershed along Pine Lake Road, through the Home Depot site and up to serve the Edenton South area, Parker's Landing. It is a 13-acre project and four acres is open space, consisting of a 46-unit mixed duplex/townhome and single family home project. There has been a lot of effort to preserve the drainageways and open space. The applicant has no objections to any of the conditions of approval on the community unit plan.

With regard to the preliminary plat conditions, Hunzeker noted that Condition #1.1.3 requires that no portion of any lot within this subdivision be within the 100-year storm elevation or the area subject to inundation by a dam breach. The dam breach study has been done and a lot was eliminated to deal with that. But the 100-year storm elevation as it affects the draw that runs down between the units running north and south between Northshore Drive does create a bit of a problem. Hunzeker pointed out that it is not a requirement of the subdivision ordinance or design standards to keep all of every lot out of the 100-year storm elevation. This is not a designated floodplain. We have calculated a 100-year storm water flow elevation, but virtually every lot in town in the 100-year storm event will have water running on the lot because virtually every subdivision is designed for surface water drainage along lot lines. So there will always be some water in a 100-year storm on virtually every lot. Minimum building opening elevations have been provided on the plat. In order to eliminate any portion of any of these lots being under that 100-year storm elevation, they would have to either reduce the dimensions of the lots which will affect the buildable area, or they will have to do additional grading, which may affect the trees which they are working hard to preserve. This is an unnecessary requirement that is not required by the design standards and Hunzeker requested that Condition #1.1.3 be deleted.

Condition #1.1.5 requires that Bo Creek Bay and Bo Creek Court (the private roadway on the east edge) end in a 30' radius cul-de-sac. Again, Hunzeker pointed out that this is not a design standard

requirement. Large vehicles cannot turn around in a 30' radius. This only affects 5 units on the south side and 7 units on the north side, so the distance to back up is very short. The additional concrete to do a 30' radius cul-de-sac simply chews up green space. Hunzeker believes that the turnarounds will be more than adequate for the residents. Therefore, he requested that Condition #1.1.5 also be deleted.

Bills-Strand noted that Bo Creek Court looks like it ends with a lot on the end of it. So basically it is almost like a private roadway that you have to back out of. Hunzeker stated that there is a turnaround at the end. In order to build a 30' radius cul-de-sac, they would have to pull Lot 17 further to the north. Hunzeker believes it is unnecessary and not required by the design standards. It is additional green space covered up that we want to keep. The roadway is a normal residential street width, 27' back of curb to back of curb, in an outlot that is 60' wide, which is the standard street right-of-way

Carlson asked Hunzeker to again discuss Condition #1.1.3. Hunzeker pointed to the map and suggested that if they are required to keep every square inch of every lot outside the 100-year storm water elevation, they will have to do one of two things: 1) add fill to the back of each of those lots (which possibly would require removal of trees to construct a retaining wall); or 2) shorten up those lots, which is possible under the CUP, but if you shorten up those lots, it affects the buildable area of the lot. The intent is to maintain the trees and keep as much room there as possible for the construction of nice homes.

Hunzeker further pointed out that the applicant must resubmit a grading and drainage plan to the satisfaction of Public Works to address some of the other issues. The applicant has provided for the minimum elevation on any building opening on the lots, and Hunzeker believes there is sufficient elevation difference between the private roadway and the back of those lots to allow walkout basements. In any event, they do have a minimum elevation set and it is included in the plat and will be passed onto the builders.

Larson asked whether Hunzeker was proposing to shorten Lots 15 and 16. Hunzeker stated that they do not want to change them at all. He believes that the proposal as submitted contains the 100-year storm adequately. It may be the case that there will be a little bit of water along the rear property line during the 100 year storm event.

Steward suggested an alternative to the 30' radius, i.e. an L or something approaching a T configuration. It seems that would suggest that you lose Lot 16 or else it would cause a reconfiguration of the widths in order to get a pull-in/back-up condition. Hunzeker commented that the idea of the "hammerhead" turnarounds is to be able to drive in, back up and drive out. But you cannot do that with a truck and that is Steward's concern. Hunzeker suggested that for these distances, most of the time they are going to back out anyway.

There was no testimony in opposition.

Steward clarified that the two issues are the 100-year storm delineation area and the turnaround. With regard to Condition #1.1.3, Chad Blahak of Public Works & Utilities, agreed that there will be flow on any lot, but in this case it appeared by the calculations provided on the plan that the 100-year pool elevation behind the culvert was going to be settling on top of the lots, and that was the issue.

However, given the situation and the green space and trees, and the fact that it is not a requirement of the design standards, Public Works would be willing to eliminate that condition.

With regard to Condition #1.1.5 and the 30' radius, Brian Will of Planning staff indicated that this requirement is a means to provide some method of turnaround for vehicles, including trafficking cars as well as emergency vehicles. Chad Blahak of Public Works further responded that there is not a specific design standard that references private roadways; however, the standards for public roadways that have this type of turnaround specifically state that no direct access will be taken from this type of hammerhead turnaround. Staff would prefer the 30' turnaround.

Steward had offered a possible alternative--rather than this very shallow hammerhead, that, if possible, at least one leg of the turn be made so that you could make a complete turn, back up and come back out the roadway. It probably means losing or decreasing Lot 16, and then below Lot 9, it would seem almost possible, depending on the grade elevation, without any affect on the property. He is looking for an alternative that gives them something more than taking 30'. Blahak suggested that they could make one leg longer but they still have to back up somewhere. If it's a truck, it will need a longer leg on the other side as well. The 30' radius gives you 60 feet across, so you would have the opportunity with a truck to maneuver around better with the 30' radius.

Carlson inquired about the elevation line that would potentially have water being stored on it. Blahak did not have the information available, but during the course of the review by Public Works, their flood elevation at that point put it back into the lots.

Carlson asked whether there has been any contact with the Pine Lake Neighborhood. Brian stated that they were notified and did not comment.

Response by the Applicant

Hunzeker does not believe the water is going to encroach very far onto those lots.

Rick Onnen of Engineering Design Consultants discussed the amount of water that will be on the lots and stated that the calculated flow through the channel in a 100 year event would run 2.0 to 2.5 feet deep. 10-12 feet of the rear of the lots would be affected. The contours shown on the map in the staff report are the existing contours.

With respect to the turnarounds, Hunzeker stated that it is not as if this is something that is impossible to meet. It is simply not a requirement and one which we would prefer not be made. With the minimum number of lots being served, he requested relief from Condition #1.1.5. It may be appropriate to require, and suspects that there may be a design standard change coming forward in the future.

Hunzeker also explained that the lots facing the private roadway will be single family patio homes. Thus, Steward commented that more than likely we are not looking at an extra automobile demand on each property.

ANNEXATION NO. 03004

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 9, 2003

Bills-Strand moved approval, subject to an annexation agreement, seconded by Duvall and carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

CHANGE OF ZONE NO. 3387

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 9, 2003

Larson moved approval, seconded by Duvall and carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

SPECIAL PERMIT NO. 1992

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 9, 2003

Taylor moved to approve the staff recommendation of conditional approval, seconded by Bills-Strand and carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

PRELIMINARY PLAT NO. 02023

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 9, 2003

Duvall moved to approve the staff recommendation of conditional approval, with amendment deleting Condition #1.1.3 and Condition #1.1.5, seconded by Bills-Strand.

Taylor is not convinced that Condition #1.1.5 should be deleted.

Taylor made a motion to amend to retain Condition #1.1.5, seconded by Steward.

Bills-Strand is struggling with such a small turnaround. If you have 20 people over and 20 extra cars, how are they going to turn around adequately to get back out without a lot of congestion? She believes it might be a problem for the residents.

Larson suggested that rather than a 30' radius, he thinks they could construct L's there by moving Lot 17 north a little bit and putting the L to the west. He would prefer that rather than the 30' radius circle.

Carlson suggested the motion could be amended to provide turnarounds to the satisfaction of Public Works and the discussion could continue at City Council.

Larson moved to amend the motion to amend to provide adequate turnarounds at the end of Bo Creek Bay and Bo Creek Court to the satisfaction of Public Works, in replacement of the 30' radius, seconded by Bills-Strand.

This amendment was accepted by Taylor as his motion to amend Condition #1.1.5.

Steward stated that he is not so concerned about the convenience or inconvenience of the persons living on the private roadway. He is more concerned about the congestion at Northshore Drive with backing vehicles when many of the other property owners are trying to come to Northshore. It is irresponsible to not provide better opportunity for emergency vehicles.

Motion to amend Condition #1.1.5, to provide turnarounds at the ends of both Bo Creek Bay and Bo Creek Court to the satisfaction of the Public Works Department, carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

Main motion, as amended, deleting Condition #1.1.3 and amending Condition #1.1.5, carried 7-0: Carlson, Duvall, Larson, Krieser, Bills-Strand, Taylor and Steward voting 'yes'; Schwinn absent.

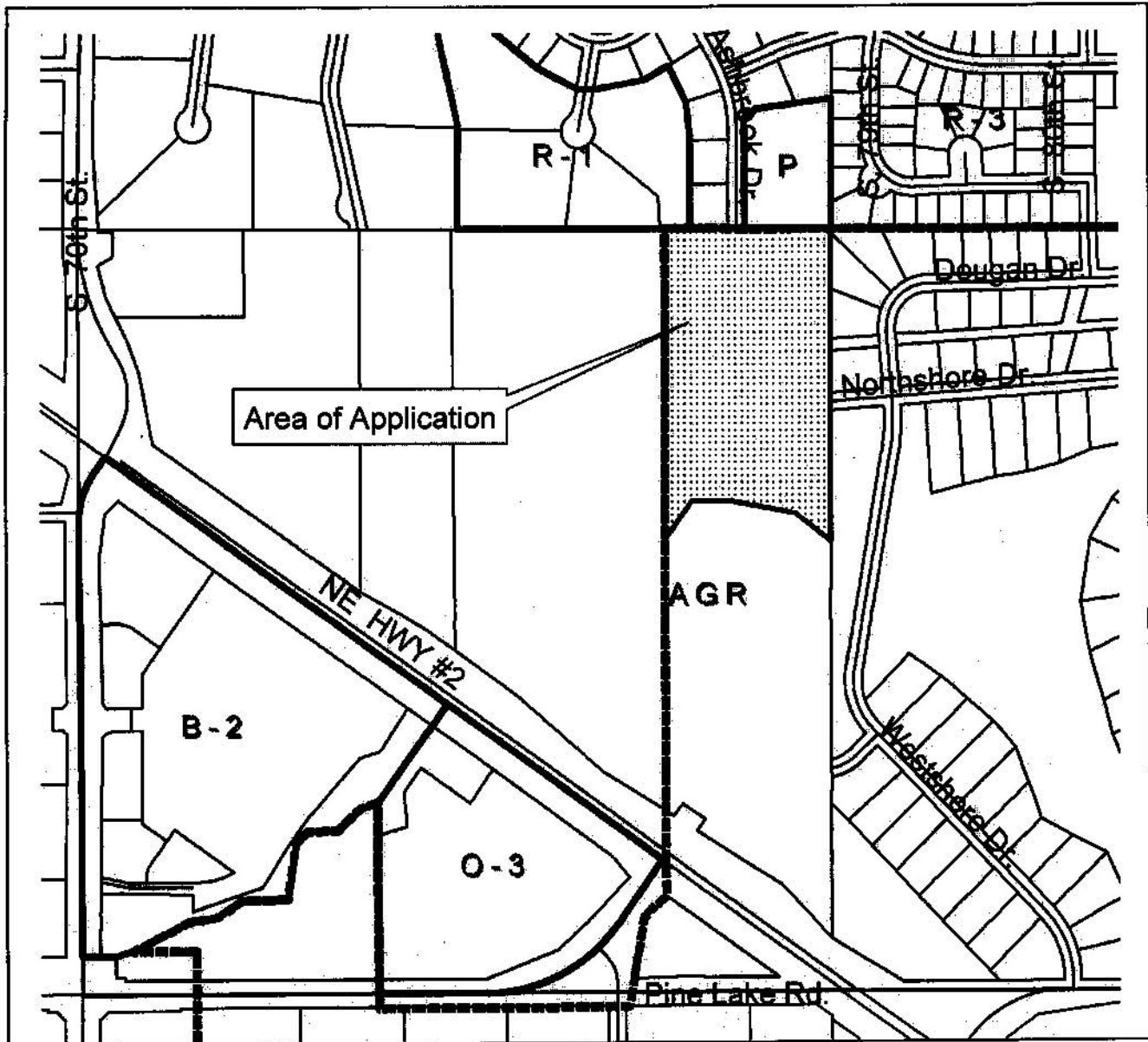


Preliminary Plat #02023
 Change of Zone #3387
 Special Permit #1992
 Annexation #03004
 Edenton Woods
 Ashbrook Dr. & Northshore Dr.



Lincoln City - Lancaster County Planning Dept.
 2002 aerial

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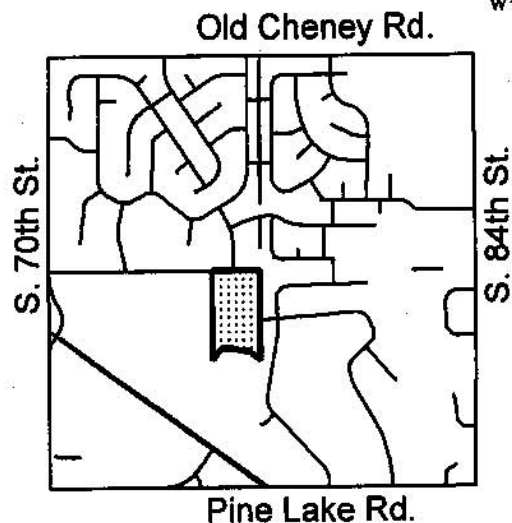


Preliminary Plat #02023
Change of Zone #3387
Special Permit #1992
Annexation #03004
Edenton Woods
Ashbrook Dr. & Northshore Dr.

Zoning:

- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 15 T9N R7E



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